

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

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| BILLY TYLER PHILLIPS, Petitioner, vs. WARDEN MATTSON, Respondent. | 4:24-CV-04163-KES ORDER ADOPTING THE REPORT AND RECOMMENDATION IN FULL AND DISMISSING PETITION FOR WRIT OF HABEAS CORPUS |
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Petitioner, Billy Tyler Phillips, filed a habeas petition pursuant to 28 U.S.C. § 2241. Docket 1. The matter was referred to a United States Magistrate Judge under 28 U.S.C. § 636(b)(1)(B) and the District of South Dakota's Civil Local Rule of Practice 72.1.A.2(b), which designates to the magistrate judge the duty to prepare proposed findings and recommendations for the disposition of habeas petitions. Magistrate Judge Veronica L. Duffy issued a report recommending that Phillips' petition be dismissed because his claims based on state and federal statutes fail as a matter of law and his claims based on federal constitutional law are unexhausted. Docket 4 at 6–7. The time for objecting to the report and recommendation has passed. *See id.* at 7. No objections have been filed in this case. The court has considered the case de novo and adopts the report and recommendation in full. Thus, it is

ORDERED that Magistrate Judge Duffy's report and recommendation (Docket 4) is adopted in full and Phillips' petition under 28 U.S.C. § 2241 (Docket 1) is dismissed in part with prejudice and in part without prejudice.

DATED October 15, 2024.

BY THE COURT:

/s/ Karen E. Schreier
KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE